

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JENNIFER BAUER

Plaintiff,

v.

ALLSUP, LLC,

Defendant.

NOTICE OF REMOVAL

Please take notice that Defendant, Allsup, LLC (“Allsup”), hereby removes the above-captioned lawsuit from the State Court of Michigan, 14A District Court, to the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, on the basis of the following facts demonstrating the existence of original jurisdiction in this Court:

Procedural History

1. On January 26, 2022, Plaintiff Jennifer Bauer (“Plaintiff”) filed an Affidavit and Claim in the 14A District Court, Washtenaw County, Michigan, Small Claims Division. A copy of Plaintiff’s Affidavit and Claim is attached as Exhibit A.
2. On or about February 21, 2022, Allsup was served with Plaintiff’s Affidavit and Claim.
3. Under 28 U.S.C. § 1446(b), this Notice of Removal is Timely.

Basis for Removal – Federal Question

4. Under 28 U.S.C. § 1331, the district courts of the United States have original jurisdiction over actions arising under the Constitution, laws, or treaties of the United States.

5. Plaintiff's Affidavit and Claim asserts claims under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227. *See* Plaintiff's Affidavit and Claim, Reasons for Claim, at Addendum pp. 1-2, ¶ 9 (alleging "Marketing Tactics Prohibited by the TCPA" and that "People who believe that their privacy has been infringed upon by a business that has violated the TCPA may be able to collect between \$500 and \$1,500 per violation of the TCPA by filing a TCPA lawsuit against the offending company."). Thus, the Court has original jurisdiction under 28 U.S.C. § 1331.

6. Venue is proper in this Court, pursuant to 28 U.S. C. § 1441(a), because this is the district and division embracing the place where the state court action is pending.

7. Pursuant to 28 U.S.C. 1446(d), Allsup will provide written notice of this removal to Plaintiff and will file a copy of this Notice of Removal with the clerk of the 14A District Court, Washtenaw County, Michigan.

8. Payment of the appropriate fees and costs for removal and docketing of this matter in federal court is tendered with this Notice of Removal.

WHEREFORE, Defendant, Allsup, LLC, respectfully requests that this Court take jurisdiction of this matter and grant such other and further relief as the Court deems just.

DATED: March 18, 2022

/s/ John R. Worth

John R. Worth (Michigan Bar # P80928)

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